



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1775 of 2022

and

C.M.P.(MD).No.7891 of 2022

Ajila

...Petitioner

Vs.

1.C.Ramesan

2.Shaji

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 17.06.2022 in I.A.No.1 of 2022 in O.S.No.14 of 2018 on the file of the Additional District Munsif Court, Kuzhithurai, Kanyakumari District and allow the Civil Revision Petition.

For Petitioner : Mr.G.Sailendrababu

For R-1 : Mr.S.C.Herold Singh

For R-2 : No Appearance

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 17.06.2022 made in I.A.No.1 of 2022 in O.S.No.14 of



2018 on the file of the II Additional District Munsif Court, Kuzhithurai,
Kanyakumari District.

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2. The first respondent herein filed a suit in O.S.No.14 of 2018 before the learned District Munsif, Kuzhithurai, against the petitioner and the second respondent seeking declaration of the 'B' Schedule as pathway and for consequential injunction against the defendants in the suit.

3. During the pendency of the suit, the petitioner and the second respondent filed an interlocutory application against the first respondent in I.A.No.1 of 2022 before the learned II Additional District Munsif, Kuzhithurai, under Order XXVI Rules 9 and 10 read with Section 151 of the Code of Civil Procedure, 1908, seeking re-issuance of the commission warrant to the earlier Advocate Commissioner to note down and ascertain the petition-mentioned facts. However, the said application was dismissed on 17.06.2022. Aggrieved by the same, the present Civil Revision Petition has been filed.

4. The learned counsel appearing for the petitioner would submit that an Advocate Commissioner had earlier been appointed, who filed his report. However, the said report was adverse to the interest of the petitioner. Therefore, the petitioner filed the present I.A.No.1 of 2022 seeking re-issuance of the warrant to the same Commissioner to note down and ascertain the petition-



mentioned facts. The trial Court dismissed the said application. The learned counsel further submitted that the petitioner has already filed objections to the Commissioner's report before the trial Court, and prays that this Court may direct the trial Court to consider those objections at the time of trial.

5. The learned counsel appearing for the first respondent has no serious objection to the above course.

6. In view of the above, this Civil Revision Petition stands disposed of with a direction to the trial Court to consider the objections filed by the petitioner to the Commissioner's report at the time of trial, on their own merits and in accordance with law. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

18.07.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The II Additional District Munsif Court, Kuzhithurai, Kanyakumari District.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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